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  7
                              UNITED STATES BANKRUPTCY COURT
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                              NORTHERN DISTRICT OF CALIFORNIA
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     In re
                                                    Case No. 11-59896 SLJ
     DAVID RANDALL TINSLEY-BOITANO,
                                                    Chapter 7
     JEANNINE MARIE AUSTURIAS-TINSLÉY.
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                                                    Adv. No. 12-05014-SLJ
                         Debtors.
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                                                    MOTION TO DISMISS ADVERSARY
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                                                   PROCEEDING
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    ANDRE SOUANG,
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                         Plaintiff.
19
           V.
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    DAVID RANDALL TINSLEY-BOITANO.
    JEANNINE MARIE AUSTURIAS-TINSLEY.
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                        Defendants.
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            Plaintiff Andre Souang hereby moves the Court, pursuant to Fed. R. Bankr. P. 7041 and
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    B.L.R. 7007-1 for dismissal of his adversary complaint filed on January 27, 2012 to determine the
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    validity and extent of plaintiff's interest in real property commonly known as 3033 Beachcomber
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    Drive, Moro Bay, California.
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            The motion is made on the grounds that, pursuant to Fed. R. Civ. P. 41(a)(2) and Fed. R.
    Bankr. P. 7041, plaintiff Andre Souang may voluntarily dismiss his complaint, and good cause
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MOTION 40 DISMISS ADVERSARY PROCEEDING

Doc# 26

exists to dismiss that complaint and for each party to bear its own fees and costs, as debtor-defendants have not filed any counter-claim in this adversary proceeding prior to being served with this motion to dismiss and debtors will suffer no prejudice from the Court's order dismissing the adversary complaint. This motion is based on the accompanying Memorandum of Points and Authorities and Declaration of Andrew J. Ditlevsen. Dated: February 7, 2013 TERRA LAW LLP /s/ Andrew J. Ditlevsen Andrew J. Ditlevsen Attorneys for Andre Souang